

Exhibit A



Entered on Docket
September 04, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TENTH OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED, IN WHOLE
OR IN PART, UPON INVESTMENT IN
THE BAY POMPANO BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

The Court having considered the “Tenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan” [Docket No. 7285] (the “Objection”); with appropriate notice of the Objection having been given; no responses having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection is sustained.
2. All other claims listed on **Exhibit A** attached are allowed as general unsecured claims for the amount shown on **Exhibit A** as Unremitted Principal. The remainder of those claims are disallowed to the extent they are based upon a Direct Lender investment in the Bay Pompano Beach Loan as shown on **Exhibit A**; and
3. To the extent the claims listed on **Exhibit A** are based upon investments in loans other than the Bay Pompano Beach Loan, this order does not affect them and the USACM Trust may file further objections.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Bay Pompano Beach Loan	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-00080	Quinn, Edward & Darlene	660 Nw Brookhaven Dr Lee`S Summit, MO 64081	156,388.48	42,198.12	12,285.97	29,912.15
10725-01036	Sierra West Inc	Po Box 8346 Incline Village, NV 89452-8346	425,583.32	49,957.58	12,285.97	37,671.61
10725-01165	Goldstein, Barry J & Patricia B	C/O Jeffrey S Berlowitz Esq 4000 Hollywood Blvd Ste 375-S Hollywood, FL 33021	14,699.00	12,951.80	12,285.97	665.83
10725-01175	Nix, John	836 Temple Rock Ct Boulder City, NV 89005	710,937.34	37,732.36	12,285.97	25,446.39
10725-01208	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	23,047.73	12,285.97	10,761.76
10725-01314	John E Michelsen Family Trust	John F Murtha Esq PO Box 2311 Reno, NV 89505	236,764.00	36,735.00	12,285.97	24,449.03
10725-01365	Vrbancic, Richard G	103 Willow Brook Dr Ne Warren, OH 44483-4630	270,000.00	50,000.00	12,285.97	35,003.60
10725-01582	Teeter, Norman	4201 Via Marina #300 Marina Del Rey, CA 90292	136,246.00	12,560.75	12,285.97	274.78
10725-01937	Debt Acquisition Co Of America V Llc Assignee	Barbara J Vivero RevoCAble Trust, Barbara J Vivero 1565 Hotel Cir S Ste 310 San Diego, CA 92108	12,951.80	12,951.00	12,285.97	665.03
10725-02059	Jack R Clark & Linda C Reid Jt Ten	9900 Wilbur May Pkwy #4701 Reno, NV 89521-3089	1,782,032.06	74,011.56	12,285.97	61,725.59

EXHIBIT A